IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.22260 of 2004

Between:

Kadiyala Venkata Krishnaiah,

S/o.late Kodandaramaiah
R/o Akkarajuvari Kandriga,
Bogolu (M),
Nellore District.

..... PETITIONER

AND

1 The Dist Collector
Nellore.
2 The Joint Collector
Nellore.
3 The Mandal Revenue Officer
Bogolu (M), Nellore District.
4 The Divisional Engineer Rural Water Supply,

RWS Department,
Govt. of A.P, Kavali,
Nellore District.
5 The Superintending Engineer Rural Water Supply

RWS Department,
Govt. of A.P,
Nellore District.
6 Thupiri Penchalaiah S/o Not known, Contractor,
Chenchulakshmipuram, Bogolu (M),

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring the inaction of part of the 1st respondent in passing appropriate orders on the representation dt 9-10-2004 and also the highhanded action on part of the Respondents 4 to 6 in digging and laying of water pipe lines in Akkarajuvrikandriga village, in order to draw and supply the water to Chenchulakshmipuram village, without obtaining any permission from the 1st respondent as per relevant Sections and Rules specified in A.P.Water, Land and Trees Act. 2002 as illegal, improper, unjust, arbitrary and without jurisdiction and consequently direct the Respondents 4 to 6 not to digging and laying of water pipes in the Akkarajuvarikandriga village Bogolu Mandal, Nellore Dist in order to draw and supply water to Chenchulakshmipuram village.

Counsel for the Petitioner :Mr.P.Phalguna Rao

Counsel for the Respondents No.1 to 5: G.P. for Revenue

Counsel for the Respondent No.6 : ---

The Court at the stage of admission made the following :

ORDER:

The petitioner seeks writ of mandamus declaring the inaction of first respondent in not disposing of the representation dated 09-10-2004 and also the action of respondents 4 to 6 in digging and laying of water pipes in Akkarajuvrikandriga village to supply water to Chenchulakshmipuram village without obtaining permission from the first respondent as stipulated in A.P. Water Land and Trees Act, 2002 (for short 'the Act') as illegal and arbitrary. The petitioner further seeks direction to respondents

4 to 6 not to dig and lay the water pipes in the said village.

The facts in brief are that the petitioner is a resident of Akkarajuvrikandriga village and is aggrieved by the action of sixth respondent contractor in digging and laying the pipeline in the said village for supply of water to Chenchulakshmipuram village

by digging another borewell near the existing borewell in Akkarajuvrikandriga village, which may result in drying up of the borewell. The petitioner alleges that the permission as required under Section 10 of the Act has not been obtained and without such permission, the fourth respondent is allowing the borewells to be dug by the other villagers. Hence, this writ petition.

It is to be noticed here that when the respondents have taken up similar action, the petitioner filed writ petition being W.P.No.19369 of 2004, which was disposed of on
27-10-2004 directing the District Collector, Nellore, to consider the representation after calling for the report from the Superintending Engineer, Rural Water Supply, RWS Department, Kavali, Nellore District, and pass appropriate orders within two months from that date. Without awaiting the orders of the first respondent on the petitioner's representation, the fourth respondent has authorised the digging and laying of the pipelines for supply of water to Chenchulakshmipuram village, which is causing inconvenience and water scarcity to the residents of Akkarajuvrikandriga village.

Even though the matter underwent three adjournments, the learned Government Pleader for Revenue is not in a position to state as to the ground realities in the village, but submits that the representation is still pending before the first respondent – District Collector, Nellore, and the orders are yet to be passed and that the report has already been obtained from the Superintending Engineer, and orders will be passed shortly. If that is so, the first respondent is directed not to allow the other respondents to take up any work of digging and laying of pipes in Akkarajuvrikandriga village until the petitioner's representation dated 09-10-2004 is disposed of in accordance with law.

The writ petition is accordingly disposed of at the stage of admission.

15-12-2004

bsc

To

1 The Dist Collector
Nellore.
2 The Joint Collector
Nellore.
3 The Mandal Revenue Officer
Bogolu (M), Nellore District.
4 The Divisional Engineer Rural Water Supply,

RWS Department,
Govt. of A.P, Kavali,
Nellore District
5 The Superintending Engineer Rural Water Supply,

RWS Department,
Govt. of A.P,
Nellore District.
6. 2CCs to Govt. Pleader for Revenue, High Court buildings, Hyderabad (OUT)

7. 2CD copies